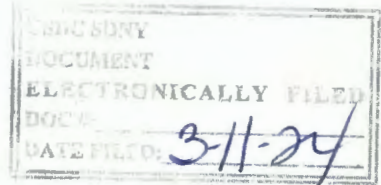


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



XERIAN, INC.,

*Plaintiff,*

v.

No. 1:23-cv-9200-LAK

AUCTUS FUND, LLC,

*Defendant.*

**DEFENDANT'S NOTICE OF MOTION FOR ATTORNEYS' FEES**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Auctus Fund, LLC's ("Auctus") Motion for Attorneys' Fees; the Declaration of Marshall R. King, dated February 23, 2024, and the exhibits attached thereto; this Notice; and all prior papers and proceedings herein, Auctus will move this Court before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007, at a time and date to be determined by this Court, for an Order pursuant to Federal Rule of Civil Procedure 54(d)(2) awarding Auctus attorneys' fees and expenses.

*Denied without prejudice to  
renewal on existing papers  
within 30 days after determination  
of the appeal. See Local Civ. R.  
54.1(a), 54.1(c)(7).*

SO ORDERED

  
LEWIS A. KAPLAN, USDJ

*3/11/24*